

## Communities and Environment Scrutiny Select Committee

06 November 2024

### Part 1 - Public

#### Matters for Cabinet - Key Decision



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Cabinet Member	Martin Coffin, Cabinet Member for Transformation & Infrastructure Des Keers, Cabinet Member for Communities Robin Betts, Cabinet Member for Climate Change, Regeneration & Property Kim Tanner, Cabinet Member for Finance and Housing
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## Review of Fees & Charges

### 1 Summary and Purpose of Report

- 1.1 This report sets out the proposed fees and charges for the provision of services in respect of garden waste subscriptions, household bulky refuse & fridge/freezer collections, “missed” refuse collections, stray dog redemption fees, Tonbridge Allotments, Tonbridge Cemetery, pest control, food certificates, contaminated land monitoring and private water supplies from 1 April 2025.

### 2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 It is important that fees and charges are reviewed on an annual basis in accordance with a set of guiding principles to ensure the Council can continue to provide the existing range and standard of services and cover increases in expenditure.

### **3 Recommendations**

- 3.1 The proposed scale of charges for garden waste subscriptions, household bulky refuse & fridge/freezer collections, "missed" refuse collections, stray dog redemption fees, Tonbridge Allotments, Tonbridge Cemetery, pest control, food certificates, contaminated land monitoring and private water supplies as detailed in the report be approved; and
- 3.2 The proposed scale of charges be implemented from 1st April 2025.

### **4 Introduction and Background**

- 4.1 In bringing forward the charging proposals for 2025/26 consideration has been given to a range of factors, including the Council's overall financial position, market position, trading patterns, the current rate of inflation and customer feedback.
- 4.2 The proposed charges for 2025/26 have also taken into account a set of guiding principles for the setting of fees and charges reproduced below for the benefit of this Committee:
- Fees and charges should reflect the Council's strategic priorities and other corporate aims, recognising there may be trade-offs as these are not mutually exclusive;
  - Fees and charges should have due regard to the Council's Medium Term Financial Strategy;
  - If there is to be a subsidy from the Council taxpayer to the service user this should be a conscious choice;
  - The Council should look to maximise income subject to market conditions, opportunities and comparable charges elsewhere, in the context of its strategic priorities and other corporate aims.
  - Fees and charges should normally be reviewed at least annually (unless fixed by statute or some other body);
  - Fees and charges should not be used to provide a subsidy from the Council taxpayer to commercial operators;
  - There should be consistency between charges for similar services;
  - Concessions for services should follow a logical pattern so as not to preclude, where appropriate, access to Council services on the grounds of ability to pay.
- 4.3 It is essential in light of the Council's overall financial position that opportunities are taken to maximise income, as it is becoming increasingly difficult to achieve

further expenditure savings to meet the targets in the Savings and Transformation Strategy. Attention has been given to the fees and charges applied by neighbouring Council's, and averages across the County, and these comparisons are included in relevant sections of the report for Member consideration.

## **5 Proposal**

### **5.1 Garden Waste Subscriptions**

- 5.1.1 The current charge for an annual garden waste subscription is £53 with a second or third bin discounted to £36. 28,400 residents are currently signed up for the service representing a take up of 55%. The current charge represents a price per collection of £2.04 for a fortnightly service. Currently, only two councils in Kent charge less than Tonbridge and Malling and our waste contract partner authority (Tunbridge Wells BC) is already charging £60. If a resident chooses not to subscribe to the service then there remains the option to take the garden waste direct to the household waste sites or have it collected by a private operator.
- 5.1.2 When setting the Budget in February 2024, Members were advised that there is a break point in the Waste Contract in 2027. It has been assumed for financial planning purposes that one or both parties would not wish to extend the contract beyond the break point. While a future meeting of this Committee will receive a report on commissioning options for future waste collection arrangements beyond this contract, it is important to note that there will be a significant financial impact on this Council of any future waste collection arrangements.
- 5.1.3 Whilst provision for some additional costs to account for recommissioning of the tender was assumed in the Medium Term Financial Strategy (MTFS) from 2027/28, external advice received has demonstrated that the market has hardened since the previous Waste Contract started in 2019. This is primarily as a result of Covid, fuel costs, HGV driver salaries, the current market for similar contracts and levels of risk that contractors are now willing to accept. Clearly, it would not be appropriate to speculate on the market position in a public report, however Members may wish to read the Part 2 report to Cabinet on 12 November on the update to the MTFS to gain some understanding of this position. The Cabinet report will be published prior to the meeting of this Committee.
- 5.1.4 Given this context, Members will need to revisit the contract specification with the aim of bringing the cost of waste collection down ahead of the next contract. However, there remains significant demand for many of the services included within the Waste Contract including street cleaning, high speed road clearance, emptying of litter & dog waste bins, collection of fly tips, kerbside collections, supporting community litter picks, etc.
- 5.1.5 One option Members may wish to consider is increasing the cost of garden waste subscriptions beyond what is factored into the MTFS. This would contribute to offsetting the forthcoming increase in contract costs effective from 1 April 2025,

and the increase in contract price when the new contract commences in 2027; and therefore ensure any changes to the specification are minimised.

5.1.6 Within the Council's current MTFs (approved by Cabinet February 2024) an increase of £1.50 has been included which would result in the charge per Garden Waste collection increasing to £2.10. However, considering the impending costs to the Council described above, Members may wish to increase the charge to £60 per annum (equating to £2.31 per collection). This would be the same as the current cost for residents in Tunbridge Wells borough, which is part of the same Waste Collection contract as this Council.

5.1.7 It is important to note that currently we have 28,400 households signed up for the service. This represents a take up of 55%. The table below shows the number of renewals compared to the number of cancellations in the current financial year. It is clear that take up has continued to perform strongly as the price of the service has risen.

Renewal month	RENEWED	CANCELLED	Pending	Grand Total	% Cancelled of all issued
01/04/2023	760	6	0	766	0.8%
01/05/2023	318	6	0	324	1.9%
01/06/2023	278	6	0	284	2.1%
01/07/2023	17014	131	0	17145	0.8%
01/08/2023	2886	22	0	2908	0.8%
01/09/2023	791	10	0	801	1.2%
01/10/2023	397	6	0	403	1.5%
01/11/2023	464	6	0	470	1.3%
01/12/2023	378	6	0	384	1.6%
01/01/2024	345	5	0	350	1.4%
01/02/2024	767	5	0	772	0.6%
01/03/2024	473	3	0	476	0.6%
01/04/2024	749	3	87	839	0.4%
01/05/2024	478	5	42	525	1.0%
01/06/2024	466	2	60	528	0.4%
01/07/2024	15866	46	1268	17180	0.3%
01/08/2024	1666	10	1404	3080	0.3%
01/09/2024	332	19	612	963	2.0%
<b>Total</b>	<b>44428</b>	<b>297</b>	<b>3473</b>	<b>48198</b>	<b>0.6%</b>

5.1.8 Income to the Council from the garden waste subscription scheme is significant and uptake across the borough since its introduction has been extremely good. This has been assisted by a number of targeted marketing campaigns which will be continued in the future.

5.1.9 Based on current levels of uptake it is estimated that a charge of £60.00 per annum (which equates to £2.31 per collection) would generate additional income of £150K for the Council above the current original estimate.

## 5.2 Household Bulky Refuse & Fridge/Freezer Collection Service

5.2.1 In April 2016, a two-tier fee was introduced with a price for up to six items of bulky refuse and a lower price for up to two fridge/freezer only collections. The new fee structure also included a concessionary charge for those receiving Council Tax Support.

5.2.2 At the Cabinet meeting on the 7 September 2022 Bulky Collections charges were reviewed with the following recommendations being approved: “the concessionary fee for those in receipt of Council Tax Reduction be reduced to £12 and the level of concessionary collections be reduced to two per year and implemented within 2022/23; and the subsidy fee levied should be increased in line with the projected contract indexation - as per inflation - levels from 1 April 2023”.

5.2.3 While Councils are not able to make a profit from the collection of a “prescribed” household waste (such as a bulky collection service), the legislation does allow Councils to recover the associated collection costs together with reasonable administration costs.

5.2.4 The current fee structure of our neighbouring authorities is outlined below, with each authority having different arrangements in place.

<b>Gravesham B.C.</b>	<b>Maidstone B.C.</b>	<b>Sevenoaks D.C.</b>	<b>Tun. Wells B.C.</b>
1-4 items - £32	1-4 Items - £30 5 - 8 items - £40 White goods - £21	1 item - £25 2 items - £30 3 to 4 items – 40 5 to 10 items - £55 White goods - £25	1-4 items - £61.50 (max.1 fridge or freezer) 5-8 items - £123
No concessions	Council Tax Reduction 1-4 items - £20 (one per year)	No Concessions	Council Tax Reduction 1- 4 items free (one every 90 days)

5.2.5 It is proposed to increase this authority’s existing full and concessionary prices as set out below. Demand for this service has been steady over the last few years

which is expected to continue in 2025/26 which is reflected in the estimated income.

- 5.2.6 Based on current levels of uptake it is estimated that the proposed charges set out below will generate additional income of £8,300 above the original 2024/25 estimate of £157,300. This will contribute to offsetting the anticipated increased contract costs caused by indexation.

<b>Service</b>	<b>Current Full Charge</b>	<b>Proposed Full Charge 2025/26</b>	<b>Current Concession Charge</b>	<b>Proposed Concession Charge 2025/26</b>	<b>Est. Annual Income 2025/26</b>
Household Bulky Refuse Collection (up to six items)	£69.50	£72	£14.50	£15.00	£143,050
Household Fridge/ Freezer Collection (up to two items)	£42.50	£44	£14.50	£15.00	£22,550

### 5.3 Refuse collection charge

- 5.3.1 On occasion the Waste Services Team receive requests from customers to empty wheeled bins where the customer has not placed their bin out and has missed the collection. On these occasions the Team are occasionally asked by the customer if they can pay for a “one off” return collection.
- 5.3.2 A collection charge to cover these circumstances was introduced in April 2015. It covers the contract cost of returning and includes a small administration fee. To date there have been no concerns raised by customers. Although the number of requests is low, it does allow our Waste Services staff to offer an alternative solution.
- 5.3.3 It is proposed to increase this charge to £26.00 for 2025/26 as outlined in the table below.

<b>Service</b>	<b>Current Charge</b>	<b>Proposed Charge 2025/26</b>	<b>Est. Annual Income 2025/26</b>
Refuse Collection Charge	£25.00	£26.00	£300

## 5.4 Stray Dog Redemption fee

- 5.4.1 The Environmental Protection Act 1990 prescribes that a person claiming to be the owner of a dog seized as a stray by the Council shall not be entitled to the return of the dog unless all the expenses incurred by reason of its detention, and such further amount as is for the time being prescribed, are met. The Environmental Protection (Stray Dogs) Regulations 1992 set down a prescribed redemption fee of £25 and provides for local authorities to recover its other reasonable expenses, in addition to any other expenses incurred, such as kennelling costs.
- 5.4.2 Where a dog is taken to kennels the Council charges the owner for the other reasonable expenses, associated with the costs of providing the Dog Warden contract and admin costs. This is presently set at £87.50. The total fee charged by the Council is therefore £112.50.
- 5.4.3 It is proposed that the contract & administration fee be increased to £90.50 with no formal waiver or discount, but the Council will continue to exercise discretion to allow payment by instalments. Daily kennelling costs are paid direct to the kennels by the owner when collecting their dog.
- 5.4.4 The number of stray dogs being claimed by their owners has been declining in recent years and this is reflected in the estimated income for 2025/26.

<b>Service</b>	<b>Current Charge</b>	<b>Proposed Charge 2025/26</b>	<b>Est. Annual Income 2025/26</b>
Stray Dog Redemption Fee - Return Direct to owner	£25 (Statutory fee)	£25 (Statutory fee)	£100
Stray Dog Redemption Fee - Kennelling required	£112.50 (including statutory fee, but not including daily kennelling costs).	£115.50 (including statutory fee, but not including daily kennelling costs).	£5,440

- 5.4.5 The proposed total charge of £115.50 is comparable to charges applied by neighbouring councils. At present, where the Dog Warden returns a stray dog to the owner without the need for kennelling, a charge is made at the prescribed fee

of £25. No change is proposed to this charge as it is a statutory fee set in legislation.

## 5.5 Tonbridge Allotment Charges

5.5.1 Allotments in Tonbridge are managed on the Council's behalf by the Tonbridge Allotments and Gardens Association. In 2021 the Association adopted a charging structure that was approved by Members of the former Communities and Housing Advisory Board on the 16 February 2021 and approved at the Associations annual general meeting in October 2021. The charging structure raised annual rents per rod by one pound per annum through to 2024/25.

5.5.2 This charging structure referred to above has now expired. The Association have therefore proposed an increase to the annual rent of £1 per rod for 2025/2026.

Proposed Annual Charges (10 rod plot)	
2025/26	£100

5.5.3 Whilst no direct income is received by the Council, it is expected that there will be no increase in management fee paid by the Council to the Association, rather that the Association will continue to offset their increased costs (including utilities) through the proposed increase highlighted above.

## 5.6 Tonbridge Cemetery Charges

5.6.1 On the 9 November 2021 Members of the former Communities and Housing Advisory Board undertook a strategic and comprehensive review of charges at the Cemetery. The review specifically took into consideration the significant subsidy applied in relation to site management and maintenance costs. The Board, and subsequently Cabinet, approved charges for 2021/22 to reflect and address the above.

5.6.2 Additional increases of 10% and 5.25% were applied in April 2023 and April 2024 respectively, to reflect inflationary and contract increases at the time of each review. It is proposed that an increase of 3.5% is applied to charges from the 1 April 2025, again to take into account inflation and relevant contract indexation. Proposed charges are shown at **Annex 1**.

5.6.3 Members will note that there are no fees for burials of under 18's. This policy decision was recommended to and approved by Cabinet through a Supplementary Report considered on the 14 February 2019. Cabinet resolved that: "the existing charges for child burials at Tonbridge Cemetery be amended, with future burials for all under 18-year-olds being free of charge with immediate effect". Members may wish to note that on average only one to two burials for



under 18s have been undertaken in recent years, and the Council is able to seek reimbursement of an element of the costs for these burials.

- 5.6.4 Based on current levels of uptake it is estimated that the proposed charges will generate additional income of £22,500 above revised estimate for 2024/25 of £128,550.

## 5.7 Pest Control

- 5.7.1 A new contract for pest control comes into place from 01 November 2024. The agreed price for a treatment of rats or mice is £105. It is proposed to continue to subsidise this for residents in receipt of Council Tax Reduction Scheme by £55 so the resident will have to pay £50.

## 5.8 Condemned Food Certificates

- 5.8.1 This is a service available to food businesses in the borough which properly controls the safe surrender and disposal of food deemed by Environmental Health staff as unfit for human consumption. The service continues to reflect legislative requirements for stricter controls and is based on total cost recovery. The proposed charges, as set out below, continue to reflect this approach.
- 5.8.2 Recent years have seen no requests for these certificates. The lower income rate is reflected in estimated full year income.

<b>Service</b>	<b>Current Charge</b>	<b>Proposed Charge 2025/26</b>
For each Condemned Food Certificate Issued	£220 for first hour plus £220 for each additional hour plus VAT	£228 for first hour plus £228 for each additional hour plus VAT

## 5.9 Exported Food Certificates

- 5.9.1 This is a service provided by the Council for food exporters who export food not of animal origin. In this instance, Authorised Officers from the Borough Council certify that the food products being exported have been manufactured and held under hygienic conditions in accordance with the requirements of Regulation (EC) 852/2004 and The Food Safety & Hygiene (England) Regulations 2013. The premises are subject to regular inspection by Food and Safety Officers.
- 5.9.2 The level of demand for Exported Food Certificates has slowly declined over the last few years to about 19 per year.

5.9.3 There is some variance across the County in fees charged for this service in 2024/25:

Dartford BC – Price on Application  
 Maidstone BC - £146  
 Sevenoaks DC - £82.00  
 Swale BC - £146  
 Tunbridge Wells BC - £148.00

5.9.4 We propose to apply a small increase to the current charge to reflect costs in responding to these certificate requests.

<b>Service</b>	<b>Current Charge</b>	<b>Proposed Charge 2025/26</b>	<b>Estimated Income 2025/26</b>
For each Exported Food Certificate issued	£89.25 plus VAT per certificate	£92.50 plus VAT per certificate.	£1,750

## 5.10 Food Hygiene Requests for Re-visits

5.10.1 Food business operators that have made improvement to hygiene standards following their inspection can request a re-visit with a view to giving them a new and higher food hygiene rating. There is currently a charge of £215 for this service, which is based on cost recovery. Neighbouring authorities are currently charging as follows:

Ashford £111

Mid Kent Environmental Health Partnership £205

Sevenoaks £210

Dartford £200

Gravesham £210, and

Dover £202

5.10.2 The proposal is not to increase the fee for 2025/26.

## 5.11 Contaminated Land

5.11.1 The Environmental Protection Act 1990 Part 2A requires local authorities to implement a system for the identification and remediation of land where contamination is causing a risk to human health or the wider environment because of historic or current uses.

- 5.11.2 The Environmental Protection Team provides a contaminated land information service or assessment of risk for which it currently makes a charge of £90 per hour in responding to these requests for information.
- 5.11.3 Guidance from the Information Commissioner advises that local authorities can make a reasonable charge. We have assumed that a reasonable charge includes the hourly rate of the Officer responsible for providing information, on-costs and an administration charge.
- 5.11.4 The fee has been derived based upon comparison with other Kent local authorities. For example, while Ashford charge £25 per hour, Gravesham charge £100. Some Authorities such as Folkestone & Hythe, and Medway charge flat rates of £186.40 and £174 respectively. There is no maximum fee under the legislation.
- 5.11.5 We propose to apply a small increase to the current charge to reflect costs in responding to these requests for information.

<b>Service</b>	<b>Current Charge</b>	<b>Proposed Charge 2025/26</b>	<b>Estimated Income 2025/26</b>
Responding to requests for information relating to contaminated land	£90.00 per hour (1 hour minimum charge)	£100.00 per hour (1 hour minimum charge)	£2,050

## 5.12 Private Water Supplies

- 5.12.1 The Private Water Supplies Regulations 2009 introduced a statutory and more onerous regime for the risk assessment and sampling of private water supplies.
- 5.12.2 In a report to this Board on 28 February 2011 it was agreed to introduce a charge to recover the cost of Officer's time. In addition, owners of private water supplies and private distribution networks will be charged for the cost of sample analysis.
- 5.12.3 We have reviewed the cost of providing this service and propose to apply a small increase to £90 per hour, plus the cost of sample analysis.
- 5.12.4 The fee has been derived based upon comparison with other Kent local authorities. Medway charge £51 per hour. Dover charge a flat fee of £100 for sampling and £500 for a risk assessment, with sample analysis costs on top. These charges are no longer subject to a maximum limit by virtue of the Private Water Supplies (England) (Amendment) Regulations 2018. However, there is an expectation that charges should only cover costs incurred.

5.12.5 As each private water supply is very different, the Officer time for each visit/ risk assessment is difficult to quantify. We have seen a decline in this service over recent years which is reflected in the estimated full year income.

<b>Service</b>	<b>Current Charge</b>	<b>Proposed Charge 2025/26</b>	<b>Estimated Income 2025/26</b>
Carrying out sampling and risk assessment of private water supplies	£85.00 per hour (1 hour minimum charge) plus VAT	£90.00 per hour (1 hour minimum charge) plus VAT	£700

## **6 Other Options**

6.1 For each of the services included in the report a proposed charge has been included taking into account the guiding principles for the annual review. Members of this Committee may of course wish to bring forward other options such as lower or higher charges.

## **7 Financial and Value for Money Considerations**

7.1 The fees and charges have been considered in accordance with a set of guiding principles and the opportunity to maximise income has been taken into account where possible.

## **8 Risk Assessment**

8.1 A decision is required now on the proposed fee structure for these activities to ensure that the Council has timely and up-to-date arrangements in place to administer service requests when received.

## **9 Legal Implications**

9.1 Section 93 of the 2003 Local Government Act allows authorities to charge for services that they have a power [but not a duty] to provide.

## **10 Consultation and Communications**

10.1 In bringing forward proposals surrounding local authorities have been consulted so Members can make appropriate comparisons. Under Section 93 of the 2003 Local Government Act there is no requirement for the Council to consult with the public.

## **11 Implementation**

11.1 Implementation of all the proposed charges will be from 1<sup>st</sup> April 2025.

## 12 Cross Cutting Issues

12.1 Following corporate guidelines for all of the charges included in this report has ensured a standard approach across different services.

## 13 Climate Change and Biodiversity

13.1 A moderate source of emissions is likely to be maintained at current levels.

13.2 Climate change advice has been sought in the preparation of the options and recommendations in this report. It is not considered that that the proposed will reduce demand for the services which is particularly relevant for the subscription for garden waste.

## 14 Equalities and Diversity

14.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## 15 Other If Relevant

- None

Background Papers	None
Annexes	Annex 1 - Tonbridge Cemetery Proposed Charges